

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

IMMANUEL CAMPBELL, et al.,

Plaintiffs,

v.

CITY OF CHICAGO, et al.

Defendants.

Case No. 17cv4467
(Class Action)
Hon. John Z. Lee

**DEFENDANT CITY OF CHICAGO’S UNOPPOSED MOTION FOR LEAVE TO FILE
AN OVERSIZED BRIEF *INSTANTER***

Defendant City of Chicago (the “City”) respectfully requests leave to file its 32-page Motion to Dismiss the First Amended Complaint Pursuant to Federal Rule of Civil Procedure 12(b)(1) and (b)(6) (the “motion”) *instante*. In support of its motion, the City states as follows:

1. The First Amended Class Action Complaint [Dkt. 71] (the “complaint” or “Compl.”) in this action was filed on July 26, 2017 by six individual plaintiffs (the “individual plaintiffs”) and nine organizations (the “organizational plaintiffs”).

2. The complaint is 137 pages long and contains 374 paragraphs of allegations. The plaintiffs assert thirteen separate counts against the City and seventeen Chicago Police Department (“CPD”) officers. Plaintiffs assert claims for violation of the Fourth and Fourteenth Amendments, violation of the Illinois Civil Rights Act (“ICRA”), failure to intervene, First Amendment retaliation, conspiracy, intentional infliction of emotional distress, malicious prosecution, respondeat superior, and indemnification.

3. Plaintiffs seek broad equitable relief, including an injunction and a declaratory judgment, as well as money damages.

4. The City is moving to dismiss all of plaintiffs' claims for equitable relief on the grounds that (i) plaintiffs lack standing to assert the claims and (ii) the claims are moot in light of subsequent changes to the City's policies and practices.

5. The City is also moving to dismiss the claims of the organizational plaintiffs, who seek only equitable relief, on the grounds that they lack standing.

6. Additionally, the City seeks dismissal of the ICRA claims on the grounds that disparate-impact liability does not apply to decisions regarding policing strategies and, in any event, plaintiffs have not made out a prima facie case for disparate-impact liability.

7. Further, the City is moving to dismiss plaintiffs' claims to the extent they rely on allegations that the City failed to adequately screen or train CPD officers for failure to allege a causal nexus.

8. Lastly, the City seeks dismissal of plaintiffs' conspiracy claims because they are not adequately pled.

9. A true and correct copy of the City's proposed motion to dismiss, which totals 32 pages, is attached as Exhibit 1.

10. Counsel for the City has attempted to draft the motion to dismiss as concisely as possible. In light of the breadth of the complaint and the numerous bases on which the City seeks dismissal, however, the City respectfully requests an extension of the fifteen page limit imposed by Local Rule 7.1.

11. The motion complies with Local Rule 7.1's requirement that briefs in excess of fifteen pages have a table of contents and a table of authorities.

12. Counsel for the City has conferred with counsel for plaintiffs, who do not oppose the relief sought in this motion.

WHEREFORE, the City respectfully requests leave to file the oversized motion *instante*.

Dated: August 21, 2017

Respectfully submitted,

CITY OF CHICAGO

By: /s/ Allan T. Slagel

One of its Attorneys

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